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STATE OF ALABAMA  
OFFICE OF THE ATTORNEY GENERAL

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Honorable Tony Helms  
Sheriff of Geneva County  
Post Office Box 115  
Geneva, Alabama 36340

Sheriffs – Omnibus Pay Raise Act –  
Compensation – County Commissions

The salary of the “new” sheriff, taking office after May 24, 2013, should be calculated based upon the base compensation authorized pursuant to the provisions set forth in section 11-2A-2(1) of the Code of Alabama. To this initial amount should be added any additional compensation increases that have been received by other elected officials pursuant to section 11-2A-4(a) of the Code since Geneva County became subject to the Omnibus Pay Raise Act (“Omnibus”).

Dear Sheriff Helms:

This opinion of the Attorney General is issued in response to your request.

QUESTION

How should the salary of the new sheriff be calculated at the beginning of a new term?

FACTS AND ANALYSIS

In your letter of request, you question the interpretation that should be given to section 45-31-230.01 of the Code as this provision relates to the compensation received by a sheriff who takes office after May 24, 2013.

Section 45-31-230.01 is a local law applicable only to the Geneva County Sheriff. This provision states as follows:

(a) In Geneva County, the total compensation, including salary and expense allowance, paid to the sheriff prior to May 24, 2013, is hereby ratified and confirmed as the proper compensation for the sheriff, and shall continue as the sheriff's compensation, including salary and expense allowance, plus the sheriff shall be entitled to any additional increases in compensation provided by Section 11-2A-4(a). Any compensation being paid as expense allowance on May 24, 2013, shall convert to salary beginning at the next term of office of the sheriff.

(b) When the sheriff serving on May 24, 2013, vacates office, this act shall become null and void and shall be repealed.

ALA. CODE § 45-31-230.01 (Supp. 2014).

In determining the meaning of a statute, courts look to the plain meaning of the words as written by the Legislature. *DeKalb County LP Gas Co., Inc., v. Suburban Gas, Inc.*, 729 So. 2d 270 (Ala. 1998). Subsection (a) of section 45-31-230.01 states that the compensation of the Geneva County Sheriff is ratified or authorized, and the sheriff is entitled, to all future increases that are authorized pursuant to section 11-2A-4(a) of the Code. Subsection (b) essentially states that the provisions of section 45-31-230.01 continue as long as the sheriff serving on May 24, 2013, remains in office.

Section 11-2A-1 through 11-2A-8 of the Code sets forth the manner in which certain elected officials are to be compensated. These provisions, which are often commonly referred to as the Omnibus Pay Raise Act, established the minimum compensation amounts for certain elected officials. This act attempted to provide uniformity throughout the state with respect to the compensations received by these officials.

In previous opinions, this Office has determined that section 11-2A-4(a) authorizes local elected officials to receive the same monetary increase as county employees when a county commission approves uniform increases for all county employees at the time of the approval of the county budget. *See* opinion to Honorable Phillip W. Jordan, Cherokee County Probate Judge, dated March 4, 2003, A.G. No. 2003-090; *see also*, opinions to Honorable Jeanette Medders,

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Administrator, Elmore County Commission dated November 15, 2005, A.G. No. 2006-023; and Honorable Jimmy Stubbs, Elmore County Probate Judge, dated February 10, 2003, A.G. No. 2003-076.

Because subsection (b) repeals the provisions set out in the section 45-31-230.01, it is the opinion of this Office that once a sheriff, other than the person occupying the position on May 24, 2013, takes office, that "new" sheriff would be entitled to receive the compensation authorized initially pursuant to section 11-2A-2(1) of the Code and any increases that were granted pursuant to section 11-2A-4(a) of the Code that were not based on longevity within the position. This Office notes that Geneva County did not become subject to Omnibus until 2008. *See* opinion to Honorable W. Phil Eldridge, Attorney, Geneva County Commission, dated May 15, 2009, A.G. No. 2009-072.

#### CONCLUSION

The salary of the "new" sheriff, taking office after May 24, 2013, should be calculated based upon the base compensation authorized pursuant to the provisions set forth in section 11-2A-2(1) of the Code. To this amount should be added any additional compensation increases that have been received by other elected officials pursuant to section 11-2A-4(a) of the Code since Geneva County became subject to Omnibus.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE

Attorney General

By:



BRENDA F. SMITH

Chief, Opinions Division

LS/MMG

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